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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,480	11/28/2000	Dave McDysan	RIC00044	7587

7590 03/10/2004

Technology Law Department
MCI WORLDCOM, INC.
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EXAMINER	
BATES, KEVIN T	
ART UNIT	**PAPER NUMBER**
2155	8

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/723,480	MCDYSAN ET AL.	
	Examiner	Art Unit	
	Kevin Bates	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5, 6, and 7*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Declaration was received on April 16, 2001.

The Change of Address was received on April 13, 2001.

The Information Disclosure Statements were received on July 30, 2001, May 30, 2002, and August 13, 2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-9, 12-13, 20-24, 27-28, 31-32, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Nilakantan (5541911).

Regarding claim 1 and 21, Nilakantan discloses a method of communication in, a network access system including an external processor and a programmable access device (Column 2, lines 6 – 9), said method comprising: transmitting a control message from the external processor to the programmable access device to establish a configuration of the programmable access device (Column 2, lines 13 – 16); and communicating messages from the programmable access device to the external processor for service processing in accordance with the configuration (Column 2, lines 22 – 28).

Regarding claim 2 and 22, Nilakantan discloses that transmitting a control message comprises transmitting a filter control message to establish a configuration of

a packet header filter in the programmable access device; and communicating messages comprises communicating network messages filtered from a packet flow by the packet header filter of the programmable access device (Column 2, lines 23 – 30).

Regarding claim 3 and 23, Nilakantan discloses limiting communication of network messages from the programmable access device to the external processor by sending the programmable access device a message setting message interface flags in the programmable access device (Column 13, lines 32 – 39).

Regarding claim 4 and 24, Nilakantan discloses transmitting a control message comprises transmitting a monitor control message to establish a configuration of a monitor in the programmable access device; and communicating messages comprises communicating reporting messages from the programmable access device to the external processor in response to the configuration of the monitor (Column 2, lines 23 – 30).

Regarding claim 7 and 27, Nilakantan discloses transmitting a control message comprises transmitting a policer control message to establish a configuration of a policer in the programmable access device (Column 12, lines 23 – 30).

Regarding claim 8 and 28, Nilakantan discloses transmitting a control message comprises transmitting a forwarding table control message to establish a configuration of a forwarding table in the programmable access device (Column 2, lines 23 – 30; Column 2, lines 55 – 60).

Regarding claim 9, Nilakantan discloses establishing a configuration of a forwarding table comprises establishing a new forwarding table in the programmable access device (Column 2, lines 23 – 30).

Regarding claim 12 and 31, Nilakantan discloses transmitting a control message from the external processor to the programmable access device to establish a configuration of the programmable access device comprises transmitting a control message specifying a source from which packets are not to be accepted; and the method further comprises dropping packets from the specified source by the programmable access device (Column 11, lines 49 – 55).

Regarding claim 13 and 32, Nilakantan discloses that in response to service processing by the external processor, injecting a packet from the external processor into packet flow through the programmable access device (Column 17, lines 14 – 22).

Regarding claim 20 and 39, Nilakantan discloses transmitting a control message comprises transmitting a control message via an intermediate communication network (Column 6, lines 1 – 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 14-16, 18-19, 26, 33-35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilakantan in view of Gibson (6680943).

Regarding claim 6 and 26, Nilakantan does not explicitly indicate transmitting a monitor control message comprises transmitting a threshold activity level. Gibson teaches a network node remotely configured that includes configuring a session to have a guaranteed quality of service, which gives a minimum threshold of activity to a connection session (Column 9, lines 32 – 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gibson's teachings on Nilakantan's system in order provide users with guaranteed service, especially for applications such as video and voice (Column 1, lines 28 – 37).

Regarding claim 14 and 33, Nilakantan in combination with Gibson discloses transmitting a control message from the external processor to the programmable access device to establish a configuration of the programmable access device comprises transmitting a session deletion control message; and the method further comprises the programmable access device deleting a session specified by the session deletion control message because it discloses starting a session (INVITE) and deleting (tearing down or cancelling) a session (BYE and CANCEL) where these messages go from the control node to the access device (Gibson, Figure 3, Column 12, lines 7 – 14; Column 12, line 65 – Column 13, line 17).

Regarding claim 15 and 34, Nilakantan in combination with Gibson discloses the external processor signaling network hardware to establish a network connection in response to receipt of a message from the programmable access device (Gibson, Column 9, lines 32 – 40).

Regarding claim 16 and 35, Nilakantan in combination with Gibson discloses exchanging keepalive messages between the external processor and the programmable access device (Gibson, Figure 8).

Regarding claim 18 and 37, Nilakantan in combination with Gibson discloses that in response to said control message, sending an acknowledgement from said programmable access device to said external processor (Gibson, Column 14, lines 21 – 32).

Regarding claim 19 and 38, Nilakantan in combination with Gibson discloses communicating a state of a session from the programmable access device to the external processor in response to failure of a service controller servicing the session in the external processor (Gibson, Column 22, line 63 – Column 23, line 3).

Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilakantan in view of Haas (5115432)

Regarding claim 5 and 25, Nilakantan does not explicitly indicate transmitting a monitor control message comprises transmitting a control message to establish a threshold number of allowed retransmissions. Haas teaches that an access device's configured policy should include a retransmissions policy (Column 7, lines 45 – Column 8, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Haas' teachings of a retransmission policy on Nilakantan's network node reconfiguration system in order to give the network management a tool to help reduce congestion in the system and obtain optimal performance (Column 7, lines 58 – 61).

Claims 10, 11, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilakantan in view of Chapman (6233245).

Regarding claim 10 and 29, Nilakantan does not explicitly indicate transmitting a control message comprises transmitting a control message to establish a configuration of a scheduler and one or more associated output buffers in the programmable access device. Chapman teaches of an access device with one or more associated output buffers (Column 2, lines 42 – 44) and a scheduler with a configuration (Column 2, lines 60 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Chapman's teaching of a scheduler and multiple output buffers in an access device in Nilakantan system in order to give configurable control over bandwith allocation in a network (Column 2, lines 62 – 65).

Regarding claim 11 and 30, Nilakantan in combination with Chapman discloses transmitting a control message comprises transmitting a shaper control message to establish a configuration of a shaper in the programmable access device (Chapman, Column 2, line 66 – Column 3, line 5).

Claims 17 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilakantan in view of Sauter (5537546).

Regarding claim 17 and 36, Nilakantan does not explicitly indicate transmitting a control message comprises accessing a control processor on the external processor via an application programming interface. Sauter teaches managing a network node with an API (Column 3, lines 40 – 45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Sauter's teaching in having the nodes

operate according to an API to allow lots of different ediors to manage the contents and the configuration of the external processor (Column 1, lines 34 – 45).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6611872 issued to McCanne, because of access policies, management, and activity monitoring.

U. S. Patent No. 6532241 issued to Ferguson, because of access device with session states and filtering.

U. S. Patent No. 6487170 issued to Chen, because of access device with activity threshold and sessions.

U. S. Patent No. 6370151 issued to Bojanic, because of remote control messaging and configuration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
March 1, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER